and in accord with the principal case. *Pangburn* v. *Bull*, 1 Wend. (N. Y.) 345; *Willard* v. *Holmes*, 142 N. Y. 492; *Closson* v. *Staples*, 42 Vt. 209; *Antcliff* v. *June*, 81 Mich. 477, 21 Am. St. Rep. 533, and note; *Smith* v. *Burruss*, 106 Mo. 94; *Woods* v. *Finnell*, 13 Bush (Ky.) 628; note to *Williams* v. *Hunter* (N. C.), 14 Am. Dec. 601; note 44 Am. Rep. 343.

The English rule obtains in a few of the States. *Bitz* v. *Meyer*, 40 N. J. L. 252; *Terry* v. *Davis*, 114 N. C. 31; *Muldoon* v. *Pickey*, 103 Pa. St. 110; *Smith* v. *Hintrager*, 67 Iowa, 109.

CRIMINAL LAW—CONTINUANCE—DISCRETION OF TRIAL COURT.—Where a defendant, charged with a capital crime, made affidavit as to the absence of witnesses who would testify to an *alibi* and also explain the possession of money found on his person, nothing being disclosed to indicate that this had any significance in connection with the charge, and the falsity of certain statements in his affidavit having been established by counter affidavits, *Held*, That there was no abuse of discretion in the action of the trial court refusing a continuance. *Hardy* v. *U. S.* (U. S. Supreme Court, June 2, 1902).

Per Mr. Justice Brewer:

"Under these circumstances it seems to us clear that the court did not abuse its discretion in refusing a continuance. It is true the trial was held in a remote part of the nation (Alaska), and where facilities for securing the attendance of witnesses were not as great as in more thickly settled portions; but it is also true that many of the witnesses for the government were engaged in prospecting, men without settled abodes, and whose attendance at subsequent terms it might have been difficult to secure, and it must have been perfectly obvious to defendant and his counsel that the longer he could postpone the trial the greater the probability of the absence of witnesses against him. It was the right of the court to consider all these matters, and when it appeared clearly from the testimony that some of his statements were false, the court might well have concluded that no reliance was to be placed on the others."

TELEGRAPH COMPANIES—LICENSE TAXES.—The imposition of a reasonable annual license for each pole and mile of suspended wire erected within the limits of a borough is a legitimate exercise of the police power delegated to cities and towns; and this although no messages are sent or received in the borough. *Borough of Taylor* v. *Postal Telegraph Cable Co.* (Pa.), 52 Atl. 128. Citing *Allentown* v. *Western Union Tel. Co.*, 148 Pa. 117, 33 Am. St. Rep. 820. The reasonableness of the charge is a question for the courts, and is not to be measured by the value of the poles and wires or of the land occupied, nor by the profits of the business. The elements which enter into the charge are the expense to the borough of issuing the license, and of municipal inspection, regulation and police surveillance. Citing *Chester* v. *Telegraph Co.*, 154 Pa. 464; *Philadelphia* v. *Telegraph Co.*, 167 Pa. 406; *Borough of New Hope* v. *Telegraph Co.*, 52 Atl. 127.

In the case last cited, it was further held that the ordinance imposing the tax is not in violation of the commerce clause of the Constitution. After citing fully the cases sustaining the general principle first above stated, the court said: "In many of the foregoing cases the license fee was the same as that imposed